

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IRON OAK TECHNOLOGIES, LLC,

Plaintiff,

v.

ACER AMERICA CORPORATION and ACER
INC.,

Defendants.

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Civil Action No. 3:18-cv-1543-M

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge [ECF No. 18]. No objections were filed. The Report and Recommendation was reviewed for plain error. Finding none, the Report and Recommendation is **ACCEPTED**.

Defendants' Motion to Dismiss for Failure to State a Claim [ECF No. 6] is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff has plausibly alleged direct infringement. Plaintiff has failed to plausibly allege induced and contributory infringement. Accordingly, Plaintiff's induced and contributory infringement claims are **DISMISSED WITHOUT PREJUDICE**. Plaintiff has leave to amend its pleading, addressing the defects identified, by July 26, 2018.

SO ORDERED.

July 5, 2018.


BARBARA M. G. LYNN
CHIEF JUDGE